

# OSSIPEE ZONING BOARD

## Meeting Minutes

March 15, 2018

Minutes were recorded by and summarized by Laura Nash, Board Secretary.  
Revisions of these minutes are noted in ***bold/italic*** type.

**Call to Order:** Stanley Brothers, Chairman called the meeting to order at 7:01 p.m.

**Members Present by Roll Call:** Chairman - Stanley Brothers, Ralph Wurster, Jim Rines, Ed MacDonald, Danny Fischbein, and Steve McConarty.

**Attendees:** Tim Otterbach

### **Welcome Newly Elected & Re-Elected Board Members:**

Jim Rines – 2021 (3 year term)

Ed MacDonald – 2021 (3 year term)

Roy Barron – 2020 (2 year term)

Brothers raised alternate D. Fischbein to voting status in place of Roy Barron.

**Election of Chairman and Vice-Chairman:** Chairman Brothers postponed the election of chairman and vice-chairman until the April 10<sup>th</sup> meeting pending the swearing in of new members.

### **Meeting Minutes:**

The Board read and reviewed the ZBA Meeting Minutes of February 13, 2018. Rines submitted one more edit on page (3) #1 under Motion, changing “pinning boundary corners... to pinning foundation corners...”

A **Motion** by Wurster to accept the meeting minutes as amended of February 13, 2018. Brothers seconded. No further discussion. All voted in favor.

### **Financial:**

- Sager & Smith, PLLC: invoice for General Matters in the amount of \$673.18

A **Motion** by Brothers to authorize payment for invoice received from Sager & Smith, PLLC for Ossipee Granit Recovery, LLC in the amount of \$673.18. Fischbein seconded. No discussion. All voted in favor.

### **New Business:**

- **Case #18-1-V: Michael & Dana Cousins c/o Dale McConkey, Representing Agent**, of 48 Long Sands Rd. Tax Map: 67 Lot: 18 & 6 has applied for a Variance from Article 23.3.2 of the Ossipee Zoning Ordinance for the expansion of a non-conforming structure within the 25 foot setback requirements. Previously applied under **Case #17-3-SE: Michael & Dana Cousins c/o Dale McConkey, Representing Agent**, of 48 Long Sands Rd. Tax Map: 67 Lot: 18 & 6 has applied for a Special Exception from Article 23.3.2 but was informed he needed a variance approval not a special exception.

An error was noted on the agenda for Case#18-1-V, Cousins. The application submitted was for a variance not a special exception. Rines asked if the abutter letters **were** identified correctly as a variance. The secretary verified the abutter letters were for a variance not a special exception.

Dale McConkey presented the variance application to remove an existing non-conforming garage and build a new garage with an indoor home office and raised second floor deck. The proposed structure will not be any closer to the property sidelines, as others in the neighborhood.

Board discussion involved a new septic tank and connections will **comply** with the setbacks from the garage and per NHDES. The driveway will be modified to accommodate the new garage per NHES Driveway permitting process and storm water management and erosion control will be added in accordance with NHDES Shoreland Permit. The second floor will have no living space.

Dale McConkey read through the five criteria's. With no further discussion, Brothers closed public input.

A **Motion** by Rines to approve Case #18-1-V: Michael & Dana Cousins of 48 Long Sands Rd. Tax Map: 67 Lot: 18 & 6 for a Variance from Article 23.3.2 of the Ossipee Zoning Ordinance for the expansion of a non-conforming structure within the 25 foot setback requirements with the following conditions:

1. NHDES approval of septic system connection to new garage.
2. NHDES Shoreland Permit.
3. NH State Driveway Permit.
4. Must comply with all Federal, State and Local Regulations.

Brothers seconded for discussion.

Discussion: Brothers questioned if the **leach** field load capacity was acceptable for two connections. Dale McConkey explained his discussion with NHDES and the garage will only have water connected so there will be no load increase.

Brothers instructed the Board if in favor of the applicant signify with a Yes vote. If not in favor of the applicant, signify with a No vote.

**Vote by Criteria:**

**1. The variance will not be contrary to the public interest because:**

Fischbein – Yes	Rines - Yes	MacDonald – Yes	Wurster – Yes	Brothers – Yes
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Rines explained it does not change the essential character of the neighborhood.

**2. The spirit of the ordinance is observed because:**

Fischbein – Yes	Rines - Yes	MacDonald – Yes	Wurster – Yes	Brothers – Yes
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Rines said yes for the same reasons.

**3. Substantial justice is done because:**

Fischbein – Yes	Rines - Yes	MacDonald – Yes	Wurster – Yes	Brothers – Yes
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**4. The values of surrounding properties will not be diminished because:**

Fischbein – Yes	Rines - Yes	MacDonald – Yes	Wurster – Yes	Brothers – Yes
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**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because the “Special Conditions” of this property that distinguish it from other properties in the area are as follows:**

(ai) Fischbein – Yes	Rines - Yes	MacDonald – Yes	Wurster – Yes	Brothers – Yes
(aii) Fischbein – Yes	Rines - Yes	MacDonald – Yes	Wurster – Yes	Brothers – Yes

Rines explained it has been demonstrated that there is an existing non-conforming structure and is the special circumstance which is not being made worse.

Brothers agreed with Rines about the special conditions of a non-conforming structure already in existence.

Chairman Brothers announced the **motion passed**. The Variance has been granted with conditions and there is a 30 day appeal process of the ZBA decision, which starts tomorrow morning.

### **Old Business:**

- **Case #18-3-Variance Rehearing) 56 Main Street Ossipee, LLC**, of 56 Main Street. Tax Map: 92 Lot: 122 has applied for a Variance Rehearing for Ossipee Granit Recovery, LLC to open a Sober Living Facility/Transition Home called Ossipee Granite Recovery/Transition House.

The Board was informed that notice fees and abutter mailings have been received and the rehearing is scheduled for April 10, **2018; but**, Attorney Lefevre is requesting an alternate date due to a scheduling conflict with his Annual Town Meeting & the April 10<sup>th</sup> ZBA Meeting.

Board discussion over meeting the statutory 30 day criteria ensued. Discussion over rescheduling the case until May was briefly discussed. Ed MacDonald announced he will be away on vacation in May and Ralph Wurster announced he will be on vacation for the April meeting. After a brief review of how many Board members would be available. It was determined that since Jim Rines is required to recuse himself from this case as an abutter, Wurster is away in April and MacDonald is away in May. At most the Board will have (4) members for the April & May meetings.

The secretary is instructed to schedule the case for April 10<sup>th</sup> in accordance with meeting the 30 day criteria. But to contact the applicant and attorneys to notify them of the date, Board member situation and if they wish to have a continuance to please submit a request in writing to the Board.

- **Case #17-10-V: Stephen McKenna, c/o Jim Rines of White Mtn. Survey & Engineering as Representing Agent** for 16 Bearcamp River Rd. Tax Map: 27 Lot: 18 has applied for a Variance from Article 6.4.2 (A) side setback/Shoreland permit to keep a 16 X 28 foot Storage Building. (ZBA continued case from 12/12/2018 pending a FEMA Flood analysis.)
- **Case #17-11-V: Michael Kenny**, 22 Bearcamp River Rd. Tax Map: 27 Lot: 015 has applied for a Variance from Article 6.4.2 (A) side setback/Shoreland permit to install a 10 X 16 foot raised shed with attached 5 X 16 foot deck and stairs. **Waiver Request** to have shed within the 25 foot side setback requirement at 16 feet. (ZBA continued case from 12/12/2018 pending a FEMA Flood analysis.)

Jim Rines notified the Board that White Mountain Survey & Engineering will be the agent of choice for both Case #17-10-V: Stephen McKenna and Case #17-11-V: Michael Kenny and due to recent heavy snow storms, is requesting a continuance until the May 8<sup>th</sup>, 2018 ZBA meeting.

A **Motion** by Wurster to continue **Case #17-10-V: Stephen McKenna, c/o Jim Rines of White Mtn. Survey & Engineering as Representing Agent** for 16 Bearcamp River Rd. Tax Map: 27 Lot: 18 has applied for a Variance from Article 6.4.2 (A) side setback, be continued until the May 8<sup>th</sup>, 2018 ZBA meeting, as well as, **Case #17-11-V: Michael Kenny**, 22 Bearcamp River Rd. Tax Map: 27 Lot: 015 has applied for a Variance from Article 6.4.2 (A) side setback also be continued until the May 8<sup>th</sup>, 2018 ZBA meeting. MacDonald seconded. No discussion. Rines abstained. All others voted in favor. **Motion passed**.

**Notices:** None

Any Other Business Which May Come Before This Meeting: None

Adjournment:

**A Motion** by Rines to adjourn the meeting. Fischbein seconded. No discussion.

**All voted in favor, motion passed.** The meeting adjourned at 7:45 p.m.

Next Meeting: **April 10, 2018 @ 7:00 pm**

**Minutes approved by majority vote of the Board on:**

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**Stanley Brothers, Chairman**

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**Date**

Or

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**Ralph Wurster, Vice Chairman**  
*(In the absence of the Chairman)*

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**Date**